

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) Criminal Number 07- ²⁶⁵ 10382 ~~10382~~
)
) Violations:
) 18 U.S.C. §371
V.) Conspiracy
) 22 U.S.C. §§ 2778(b)(2) & 2778(c)
) 22 C.F.R. §§ 121.1, 123.1, & 127.1
) Unlawful Export Defense Articles
DESMOND DINESH FRANK,) 18 U.S.C. §554
a/k/a, DESMOND FRANK) Smuggling Goods from United States
) 18 U.S.C. §1956(a)(2)(A)
) Money Laundering
) 18 U.S.C. §2
) Aiding and Abetting
) 18 U.S.C. §§981, 982;
) 22 U.S.C. §401; 28 U.S.C. §2461
Forfeiture

INDICTMENT

The Grand Jury charges that:

COUNT ONE
18 U.S.C. §371 ✓
Conspiracy

From in or before January 2006, through October 8, 2007, in
the District of Massachusetts and elsewhere, the defendant,

DESMOND DINESH FRANK a/k/a DESMOND FRANK
did knowingly and intentionally combine, conspire and confederate
with others both known and unknown to the Grand Jury to knowingly
and willfully export and cause the export, and re-export and
cause the re-export, directly and indirectly from the United
States, to the Islamic Republic of Iran, of goods, technology and
services, without the required authorization from the Office of
Foreign Asset Control having first been obtained in violation of
Title 50, United States Code, Sections 1702 and 1705(b), and 31

C.F. R., Section 560, and to fraudulently and knowingly export, and send and cause the export and sending from the United States of, merchandise, articles and objects, contrary to the laws and regulations of the United States, in violation of Title 18, United States Code, Section 554(a), and one or more co-conspirators did one or more acts to effect the object of the conspiracy, including sending messages by electronic mail on January 31, 2006, and February 2, 2006, requesting price quotes on lists of items, and a message on February 7, 2006, stating that "[t]hese quotes are for the customer in Iran."

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
18 U.S.C. §371
Conspiracy

From in or before August 2006, through October 8, 2007, in the District of Massachusetts and elsewhere, the defendant,

DESMOND DINESH FRANK a/k/a DESMOND FRANK

did knowingly and intentionally combine, conspire and confederate with others both known and unknown to the Grand Jury to knowingly and willfully export and cause the export from the United States to Malaysia and the re-export to Hong Kong, China, of defense articles, to wit, ten indicators, servo driven tachometers bearing part numbers 2022701-01, 2022706-02, 2022706-03 (military training equipment component or part), without the required license or written authorization from the Department of State having first been obtained for such exports, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1(a)(1), and to fraudulently and knowingly export and send, and cause the export and sending from the United States of, merchandise, articles and objects, contrary to the laws and regulations of the United States, in violation of Title 18, United States Code, Section 554(a), and one or more co-conspirators did one or more acts to effect the object of the conspiracy, including: on or about October 22, 2006 and September 12, 2007, wire transfers were sent to a bank in Massachusetts, that represented a deposit and then a final payment

(respectively) for defense articles, and on or about January 5, 2007, the defendant DESMOND DINESH FRANK submitted a Non-Immigrant Visa Application, seeking a visa to enter the United States, specifically Hawaii, and falsely stated therein the purpose of his visit.

All in violation of Title 18, United States Code, Section 371.

COUNT THREE

22 U.S.C. §§ 2778(b)(2) and 2778(c)
22 C.F.R. §§ 121.1, 123.1, and 127.1(a)(1)
18 U.S.C. §2
Unlawful Export of Defense Articles

From in or before August 2006, through October 8, 2007, in the District of Massachusetts and elsewhere, the defendant,

DESMOND DINESH FRANK a/k/a DESMOND FRANK

did knowingly and willfully attempt to export, and cause the export from the United States to Malaysia and the re-export to Hong Kong, China of, defense articles, to wit, ten indicators, servo driven tachometers bearing part numbers 2022701-01, 2022706-02, 2022706-03 (military training equipment component or part), without the required license or written authorization from the Department of State having first been obtained for such exports.

In violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c), Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1(a)(1), and Title 18, United States Code, Section 2.

COUNT FOUR

18 U.S.C. §§ 554 and 2
Smuggling Goods from the United States

From in or before August 2006, through October 8, 2007, in the District of Massachusetts and elsewhere, the defendant,

DESMOND DINESH FRANK a/k/a DESMOND FRANK

did fraudulently and knowingly attempt to export and send and cause the export and sending from the United States of, merchandise, articles and objects, to wit, ten indicators, servo driven tachometers bearing part numbers 2022701-01, 2022706-02, 2022706-03 (military training equipment component or part), contrary to the laws and regulations of the United States, and did fraudulently and knowingly buy, and facilitate the sale of, such merchandise, articles, and objects, prior to exportation, knowing the same to be intended for exportation contrary to laws and regulations of the United States, that is, contrary to Title 22, United States Code, Sections 2778(b)(2) and 2778(c), and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, and 127.1(a)(1).

All in violation of Title 18, United States Code, Sections 554 and 2.

COUNT FIVE

18 U.S.C. §§ 1956 (a)(2)(A) and 2
Money Laundering

On or about October 22, 2006, in the District of
Massachusetts and elsewhere, the defendant,

DESMOND DINESH FRANK a/k/a DESMOND FRANK

did knowingly and willfully transmit and transfer and cause the
transmission and transfer of funds, that is, \$25,282.50, from a
place outside the United States, that is, from a bank account in
Malaysia, to a place inside the United States, that is, a bank
account in the District of Massachusetts, with intent to promote
the carrying on of a specified unlawful activity, that is, export
control and smuggling violations, to wit, Unlawful Export of
Defense Articles, in violation of 22 U.S.C. §§ 2778(b)(2) and
2778(c), and 22 C.F.R. §§ 121.1, 123.1, and 127.1(a)(1), and
Smuggling Goods from the United States, in violation of 18 U.S.C.
§ 554, as set forth in Count Three and Four.

All in violation of Title 18, United States Code, Sections
1956 (a)(2)(A) and 2.

COUNT SIX
18 U.S.C. §§ 1956 (a) (2) (A) and 2
Money Laundering

On or about September 12, 2007, in the District of
Massachusetts and elsewhere, the defendant,

DESMOND DINESH FRANK a/k/a DESMOND FRANK

did knowingly and willfully transmit and transfer and cause the
transmission and transfer of funds, that is, approximately
\$58,992.50, from a place outside the United States, that is, from
a bank account in Malaysia, to a place inside the United States,
that is, a bank account in the District of Massachusetts, with
intent to promote the carrying on of a specified unlawful
activity, that is, export control and smuggling violations, to
wit, Unlawful Export of Defense Articles, in violation of 22
U.S.C. §§ 2778(b) (2) and 2778(c), and 22 C.F.R. §§ 121.1, 123.1,
and 127.1(a) (1), and Smuggling Goods from the United States, in
violation of 18 U.S.C. §§ 554, as set forth in Counts Three and
Four.

All in violation of Title 18, United States Code, Sections
1956 (a) (2) (A) and 2.

CRIMINAL FORFEITURE ALLEGATIONS

18 U.S.C. §§981, 982; 22 U.S.C. §401; 28 U.S.C. §2461
Criminal Forfeiture

1. Upon conviction of any offense alleged in Counts Five and Six, the defendant,

DESMOND DINESH FRANK a/k/a DESMOND FRANK

shall forfeit to the United States any and all property, real and personal, involved in those offenses, and all property traceable to such property, including, but not limited to, twenty-five thousand, two-hundred, eighty-two dollars and fifty cents (\$25,282.50), as alleged in Count Five and fifty-eight thousand, nine-hundred, ninety-two dollars and fifty cents (\$58,992.50), as alleged in Count Six, pursuant to Title 18, United States Code, Section 982(a)(1).

2. Upon conviction of any offense alleged in Counts One, Two, Three, or Four the defendant

DESMOND DINESH FRANK a/k/a DESMOND FRANK

shall forfeit to the United States any property real and personal that constitutes, or is derived from proceeds traceable to the commission of the offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

3. Upon conviction of any offense alleged in Counts Two and Three, the defendant

DESMOND DINESH FRANK a/k/a DESMOND FRANK

shall forfeit to the United States any arms, munitions of war or other articles exported or intended to be exported or removed

from the United States in violation of law, and any vessel, vehicle, or aircraft containing the same or which has been or is being used in exporting or attempting to export such arms or munitions of war or other articles, pursuant to Title 22, United States Code, Section 401 and Title 28, United States Code, Section 2461(c).

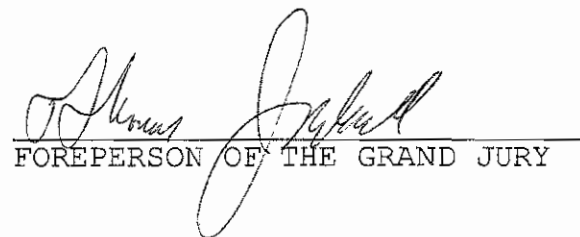
4. If any of the forfeitable property described in paragraphs 1 through 3 above, as a result of any act or omission of the defendant:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in subparagraphs (a) through (e) of this paragraph.

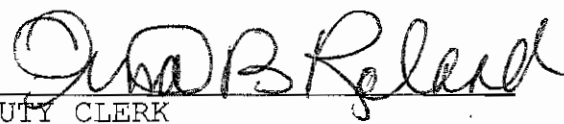
All pursuant to Title 18, United States Code, Sections 981 and 982, Title 22, United States Code, Section 401, and Title 28, United States Code, Section 2461.

A TRUE BILL


FOREPERSON OF THE GRAND JURY


ASSISTANT UNITED STATES ATTORNEY

Returned into the District Court by the Grand Jurors and filed.


DEPUTY CLERK

DISTRICT OF MASSACHUSETTS
DATE AND TIME: 11/15/2007
3:04 p.